

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Implement the
California Renewables Portfolio Standard Program.

Rulemaking 04-04-026
(Filed April 22, 2004)

To: ALL PARTIES OF RECORD IN THE ABOVE-CAPTIONED PROCEEDING

NOTICE OF AVAILABILITY

The draft decision of ALJ Burton W. Mattson has been made available at http://www.cpuc.ca.gov/PUBLISHED/COMMENT_DECISION/55711.htm on April 25, 2006. In summary, each California electrical corporation is required each year to procure a minimum amount of electricity from eligible renewable energy resources, eventually reaching procurement equal to 20% of total retail sales. To fulfill this requirement, each electrical corporation must prepare a procurement plan (Plan). The Commission is required to review and adopt, modify or reject each Plan.

This draft decision conditionally approves for the next procurement cycle each proposed Plan and draft request for offer (RFO) filed by Pacific Gas and Electric Company (PG&E), Southern California Edison Company (SCE), and San Diego Gas & Electric Company (SDG&E). In doing so, the important items that are addressed include: (1) allowing deliveries anywhere in California, (2) declining to adopt an incremental procurement target of 1.2% but, in exchange, stressing the importance of each utility continuing to include its own procurement margin of safety and requiring certain additional reporting; (3) retaining existing flexible compliance rules by declining to adopt full earmarking or flexible compliance for 2010; (4) encouraging, and in some cases directing, each utility to take action and amend Plans, such as reducing deposits; (5) removing barriers to program success by adopting several measures; (6) addressing limited elements unique to each utility's Plan; and (7) adopting a schedule for the next solicitation cycle. The draft decision strongly encourages, but does not order, SDG&E to conduct a solicitation in 2006.

The draft decision directs PG&E, SCE and SDG&E to each file an amended Plan and amended RFO with the Director of the Energy Division within five days of the date of this order. Unless suspended by the Energy Division Director within three days, each utility shall proceed to use its amended Plan and RFO for its 2006 RPS program and solicitation.

This order also addresses issues related to a time of delivery benchmarking methodology, but declines to adopt a methodology. The order incorporates the record from this proceeding into a new Order Instituting Rulemaking, and closes the proceeding.

Any recipient of this Notice of Availability who is not receiving service by electronic mail in this proceeding or who is unable to access the link to the Commission's website given above may request a paper copy of the draft decision from the Commission's Central Files Office, at (415) 703-2045; fax number (415) 703-2263; e-mail cen@cpuc.ca.gov.

The draft decision will not appear on the Commission's agenda for at least 30 days after the date it is mailed. The Commission may act then, or it may postpone action until later.

When the Commission acts on the draft decision, it may adopt all or part of it as written, amend or modify it, or set it aside and prepare its own decision. Only when the Commission acts does the decision become binding on the parties.

Parties to the proceeding may file comments on the draft decision as provided in Article 19 of the Commission's "Rules of Practice and Procedure," accessible on the Commission's website at www.cpus.ca.gov pursuant to Rule 77.3 opening comments shall not exceed 15 pages.

Comments must be filed with the Commission's Docket Office. Comments should be served on parties to this proceeding in accordance with Rules 2.3 and 2.3.1. Electronic copies of comments should be sent to ALJ Mattson at bwm@cpuc.ca.gov and ALJ Anne Simon at aes@cpuc.ca.gov. All parties must serve hard copies on the ALJs and the Assigned Commissioner, and for that purpose I suggest hand delivery, overnight mail or other expeditious methods of service. The current service list for this proceeding is available on the Commission's website, www.cpus.ca.gov.

Dated April 25, 2006, at San Francisco, California.

/s/ ANGELA K. MINKIN

Angela K. Minkin, Chief
Administrative Law Judge

ANG:sid